

rejections and comments made by the Examiner in the order that the objections, rejections and comments appear in the Office Action mailed December 4, 2001.

Information Disclosure Statement

The Examiner pointed out that the IDS filed 10/1/99 was not present in the case when last reviewed by the Examiner. With this response, Applicants attach a copy of the IDS filed October 1, 1999 for the Examiner's consideration. If the Examiner requires any additional items, the Examiner is requested to contact the undersigned representative of Applicants.

Response to Objection to Claim 15

Claim 15 was objected to because Claim 15 included both "comprise" and "include". By this Amendment, Claim 15 was corrected to overcome the objection.

Response to Rejections under 35 U.S.C. § 103

Claims 1-23 and 25-26 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,614,574 or U.S. Patent No. 5,464,687 to Sheth (hereinafter "Sheth") in view of U.S. Patent No. 6,002,017 to Rousseau et al. (hereinafter Rousseau).

Applicants' invention relates to an electret material that comprises a thermoplastic polymer and a miscible thermoplastic telomer. Sheth relates to wettable polyolefin compositions that may be used to form fibers and nonwoven materials.

Applicants submit that Sheth fails as a valid reference because Sheth teaches hydrophilic, i.e. wettable, fibers. Wettable fibers are unsuitable and undesirable for electret materials. Persons of ordinary skill in the art would not attempt to impart electrostatic charge to a hydrophilic material because it is known that hydrophilic/wettable materials do not form stable electrets. Applicants' invention is directed to electret materials. Sheth is directed to highly wettable compositions, specifically, compositions having a contact angle of less than 80° (col. 12, lines 11-64 of '574). If a permanent electrostatic charge was attempted to be imparted to the hydrophilic materials of Sheth's invention, adsorption of atmospheric moisture on the surface of the material would lead to formation of double layers similar to the double

layers that surround cationic and anionic species in aqueous solutions. Such double layers screen out any electret effect and are not desirable in electret materials.

Sheth's invention is directed to wettable polyolefin compositions and hydrophilic fibers (col. 12, line 65 et seq. of '574). Sheth describes wettable compositions comprising a polyolefin, a hydrophilic modifier and a polar group material and teaches that compositions without a hydrophilic modifier are not wettable (col. 8, lines 16-38 of '574) and are not desirable. Leaving out the hydrophilic modifier destroys the intent of the Sheth references. Accordingly, Applicants submit that the rejection of Claims 1-23 and 25-26 as being unpatentable over Sheth is improper and should be withdrawn.

Applicants also submit that the Examiner's assertion that Sheth discloses a "composition comprising polypropylene and a miscible thermoplastic telomer" is incorrect. Sheth describes a wettable polymer made from a composition comprising at least three components: a polyolefin, a hydrophilic modifier and a polar group material, e.g. "Polybond". Sheth only mentions "Polybond" twice in each patent (col. 8, lines 22 and 24 of the '574 patent and col. 11, lines 20 and 31 of the '687 patent). Sheth does not describe or suggest that the Polybond material should be a telomer or a miscible telomer. Specifically, Sheth never uses the word telomer or describes compounds that are telomers.

Several polymer products are marketed using the name "polybond". Uniroyal Chemical Corporation, now Crompton Corporation, sells at least 9 polymer products with the name "Polybond" (see attachment). Not all of these products are telomers. Sheth does not disclose, teach or suggest using POLYBOND 3150, a miscible telomer or any telomer. Telomers are described in the Encyclopedia of Polymer and Science and Engineering and are defined in Applicants' specification as "polymers having one or more functional groups located at the chain ends of the polymer." Applicants submit that Sheth does not disclose, teach or even suggest an electret comprising a polyolefin and a telomer and the rejection of Claims 1-23 and 25-26 as being unpatentable over Sheth is improper and should be withdrawn.

Furthermore, the combination of Sheth and Rousseau is inappropriate. First, it would not be obvious to a person of ordinary skill in the art to electret treat a hydrophilic material for the reasons stated above. Second, Rousseau teaches perfluorinated compounds that are hydrophobic. Applicants respectfully submit that one of ordinary

skill in the art would not look to a reference that describes electret treating of hydrophobic perfluorinated compounds to modify wettable, hydrophilic compositions such as those described by Sheth. Accordingly, Applicants submit that the rejection of Claims 1-23 and 25-26 as being unpatentable over Sheth in view of Rousseau is improper and should be withdrawn.

Accordingly, Applicants respectfully submit that the references fail to disclose, teach or suggest, in the sense of 35 U.S.C. §103(a), an electret comprising a first polymeric material having a charge and a miscible thermoplastic telomer. Applicants submit that the present application is in condition of allowance. Applicants request that the pending rejections be withdrawn and a Notice of Allowance issued. Should any questions arise with regard to this application the Examiner is encouraged to contact the undersigned at (770)-587-8620.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

David L. Myers et al.

By:

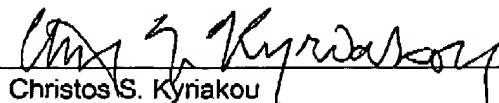


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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Christos S. Kyriakou, hereby certify that on March 4, 2002, this document is being faxed to Examiner Christopher C. Pratt at The United States Patent and Trademark Office, Art Unit 1771, facsimile number 703-872-9311.

By:



Christos S. Kyriakou

15. (Amended) The electret of claim 14 wherein said spunbond fiber web comprises multicomponent fibers and wherein at least one of the components of said multicomponent fiber comprises [include] said telomer.